

#35
V.G. 7/1/99



DOCKET NO.: DITI 109

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: William McBride, et al.
SERIAL NO.: 08/253,973 EXAMINER: M. Hartley
FILING DATE: June 3, 1994 GROUP: 1611
TITLE: MONOAMINE, DIAMIDE, THIOL-CONTAINING METAL CHELATING AGENTS

Box AF
Assistant Commissioner of Patents
Washington, D.C.

Sir:

Certificate Pursuant to 37 CFR 1.8
I certify that this correspondence is being deposited with the United States Postal Service as First Class mail, postage prepaid, in an envelope addressed to: Box AF, Assistant Commissioner for Patents, Washington, D.C. 20231, on the date indicated below.

Marcia Gookin

Date: June 24, 1999

TERMINAL DISCLAIMER

I, Patricia A. McDaniels, DIATIDE, INC., 9 Delta Drive, Londonderry, NH 03053, state that I am a representative authorized to sign on behalf of Diatide, Inc., previously called Diatech, Inc., identified below as the assignee of the entire right, title and interest in and to the instant application. I have reviewed all the evidentiary documents accompanying or referred to in this Terminal Disclaimer and certify that, to the best of my knowledge and belief, title to the above-identified application is in the name of Diatide, Inc.

Diatide, Inc., of 9 Delta Drive, Londonderry, NH 03053, is the assignee of the entire right, title and interest in and to the instant application by virtue of the assignment recorded in the United States Patent and Trademark Office at Reel 7072, Frame 0396, by the inventors in the instant application to Diatech, Inc. and by the Certificate of Corporate Name Change recorded against the instant application at Reel 9453, Frame 0097.

Diatide, Inc. hereby disclaims, except as provided below, the terminal part of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. §§ 154 to 156 and 173, as presently shortened by any terminal disclaimer, of U.S.Pat.No. 5,620,675 and of any patent granted on USSN 08/092,355. Diatide, Inc. hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and U.S.Pat.No. 5,620,675 and of any patent granted on USSN 08/092,355 are commonly owned, this agreement to run with any patent granted on the instant application and to be binding upon the Assignee, its successors and assigns.

06/30/1999 DVUONG 00000047 500452 08253973

02 FC:248

55.00 CH

USSN 08/253,973

June 24, 1999

page 2

Diatide, Inc. does not disclaim any terminal part of the term of a patent granted on the instant application prior to the expiration date of the full statutory term of U.S.Pat.No. 5,620,675 and of any patent granted on USSN 08/092,355, in the event that said patent expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole, or terminally disclaimed under 37 C.F.R. 1.321(a), has all claims cancelled by a reexamination certificate, or is otherwise terminated prior to expiration of its statutory term as presently shortened by any terminal disclaimer, if any, except for separation of legal title stated above.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements are made in the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Authorization is hereby given to charge the fee of \$55.00 and any other fee which may be due with regard to this submission, or to credit any overpayment, to Deposit Account No. 50-0452.

Respectfully submitted,

DIATIDE, INC.

Patricia A. McDaniels

Patricia A. McDaniels

Reg.No. 33,194

Diatide, Inc.
9 Delta Drive
Londonerry, NH 03053
(603) 437-8970 (telephone)
(603) 437-8977 (facsimile)